

2003 No. 68

POLICE

**Police Service of Northern Ireland (Conduct)
Regulations 2003**

Made - - - - - *12th February 2003*

Coming into operation *14th March 2003*

To be laid before Parliament *24th February 2003*

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Schedule – Code of Ethics

The Secretary of State, in pursuance of section 52(10) of the Police (Northern Ireland) Act 2000^(a) and in accordance with the requirements of sections 25 and 26 of the Police (Northern Ireland) Act 1998^(b) hereby makes the following regulations:

^(a) 2000 c. 32 (N.I.)
^(b) 1998 c. 32 (N.I.)

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Police Service of Northern Ireland (Conduct) Regulations 2003 and shall come into operation on 14th March 2003.

Code of Ethics

2.—(1) The Code of Conduct contained in Schedule 4 of the Royal Ulster Constabulary (Conduct) Regulations 2000 is hereby replaced by the Code of Ethics contained in the Schedule to these regulations.

(2) The Code of Ethics may be revised from time to time by the Northern Ireland Policing Board after consultation in accordance with the provisions of Section 52(5) of the Police (Northern Ireland) Act 2000.

Application of Code of Ethics to earlier regulations

3.—(1) The Royal Ulster Constabulary (Conduct) Regulations 2000(a) shall be amended as follows:

- (a) in Regulation 4 under “appropriate standard”, remove the text, “Code of Conduct (Schedule 4)” and replace with the words “Code of Ethics (see the Schedule to the Police Service of Northern Ireland (Conduct) Regulations 2003)”;
- (b) in Regulation 4 remove the words “Code of Conduct” and replace with, “Code of Ethics”, and add the following text to the end of the definition, “except that in relation to conduct occurring or commenced before 14th March 2003, it means the Code of Conduct contained in Schedule 4 to the Royal Ulster Constabulary (Conduct) Regulations 2000, or in relation to conduct occurring or commenced before the 6th November 2000, it means the Discipline Code contained in Schedule 1 to the Regulations of 1988;
- (c) in Regulations 9(c), 9(d), 13(2) and 17(1)(a) remove reference to Code of Conduct and replace with Code of Ethics;
- (d) in Schedule 2, sub-paragraph 2(d) and paragraph 3 remove all references to Code of Conduct and replace with Code of Ethics;
- (e) in Schedule 3, Part II, paragraph 2 remove reference to Code of Conduct and replace with Code of Ethics; and
- (f) in the Explanatory Note at the end of the first sentence add the words, “or in respect of conduct that occurred on or after 14th March 2003, the Code of Ethics in the Schedule to these regulations”.

(2) The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000(b) shall be amended as follows:

- (a) in Regulation 4 under “appropriate standard”, remove the text, “Code of Conduct” and replace with the words, “Code of Ethics”;
- (b) in regulation 4 remove “Code of Conduct” and replace with, “Code of Ethics”, and add the following text to the end of the definition, “except in relation to conduct occurring or commenced before 14th March 2003 it means the Code of Conduct contained in Schedule 4 to the Royal Ulster Constabulary (Conduct) Regulations 2000, or in relation to conduct occurring or commenced before 6th November 2000 it means the Discipline Code contained in Schedule 1 to the Regulations of 1988;
- (c) in regulations 8(d), 8(e), 9(3)(b), 9(3)(c) and 11(2)(b) remove reference to Code of Conduct and replace with Code of Ethics;

(a) S.R. (N.I.) 2000 No. 315

(b) S.R. (N.I.) 2000 No. 320

- (d) in Schedule 1, sub-paragraph 2(d) and paragraph 3 remove all references to the Code of Conduct and replace with Code of Ethics;
- (e) in Schedule 2, Part II, sub-paragraph 2(b)(ii) remove reference to Code of Conduct and replace with Code of Ethics;
- (f) in paragraph 2 of the Explanatory Note remove reference to the Code of Conduct and replace with the Code of Ethics.

PART II SUPPLEMENTAL

Amendment of Royal Ulster Constabulary Regulations

4. The Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(a) shall be amended as follows:

- (a) in the preamble remove the words, “and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman”.

5. The Royal Ulster Constabulary (Conduct) Regulations shall be amended as follows:

- (a) in the preamble remove the words, “and after consulting, in accordance with Section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman”.
- (b) remove the whole of Regulation 8(3);
- (c) in Regulations 11(2)(a) and 12(1)(b) remove reference to section 59(5);
- (d) in paragraph 21(b) of Schedule 3 place the reference to Regulation 33 in inverted commas;
- (e) in Regulation 31(1) remove the word, “case” and insert the word, “hearing”.

6. The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000 shall be amended as follows:

- (a) in the preamble remove the words, “and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman”;
- (b) in Regulation 4 remove reference to paragraph (1) and remove the words in italics, “*and application*” and the same words in the arrangement of regulations, Part I, General, at Regulation 4;
- (c) remove the whole of Regulations 7(6);
- (d) in regulation 25(2) remove the text, “regulations 11 and 22” and replace with, “regulations 11 to 22”.

7. The Royal Ulster Constabulary (Appeals) Regulations 2000 shall be amended as follows:

- (a) in the preamble remove the words, “and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman”.

(a) S.R. (N.I) 2000 No. 316

SCHEDULE

PREAMBLE TO THE CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

- (A) Policing is an honourable profession that plays an important part in the maintenance of a just and fair society. The people of Northern Ireland have the right to expect the Police Service to protect and vindicate their human rights by safeguarding the rule of law and providing a professional Police Service.
- (B) Police officers, as citizens, have the right to the same expectations and to a working environment free of any form of harassment or discrimination.
- (C) The ability of police officers to carry out their functions and duties depends on approval from the public for their existence, actions and behaviour. In simple terms, effective policing requires the support and willing co-operation of the public. Public confidence in the police is closely related to officers attitude and behaviour towards the public, in particular their respect for individuals' fundamental rights and freedom as enshrined in the European Convention on Human Rights.
- (D) This Code of Ethics is intended:–
 - (1) to lay down standards of conduct and practice for police officers and;
 - (2) to make police officers aware of the rights and obligations arising out of the European Convention on Human Rights (Within the meaning of the Human Rights Act 1998).

(Sourced from: Section 52(1) Police (N.I.) Act 2000)

- (E) The standards in this Code are to be applied to:–
 - (1) relationships between police officers and the general public, sections of the public, and particular individuals;
 - (2) relationships between police officers and other professionals in the criminal justice system;
 - (3) relationships between individual police officers and the organisation; and
 - (4) relationships between individual police officers and all their colleagues.
- (F) The Statutory authority for the Code can be found in section 52 of the Police (Northern Ireland) Act 2000. The contents of the Code are drawn from a number of sources, including:–
 - (1) the attestation found in section 38(1) of the Police (Northern Ireland) Act 2000;
 - (2) the European Convention on Human Rights;
 - (3) other relevant Human Rights' standards. These include:
 - (a) The United Nations' Code of Conduct for Law Enforcement Officials;
 - (b) The United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
 - (c) European Police Code of Ethics.
- (G) Police officers are required, at all times, to carry out their duties in accordance with the provisions of this Code. They should remember that a breach of its standards could lead to a loss of public support and, in appropriate circumstances, a criminal or disciplinary investigation, either by the Police Ombudsman or police staff.
- (H) It is recognised that the ability of police officers to perform their duties to the highest professional standards depends in part on the provision of appropriate training and equipment. However, police officers are required at all times to observe the ethical standards set out in this Code.
- (I) Where police officers are investigated for a breach of this Code, they have the right to expect that those conducting the investigation, whether staff of the Police Ombudsman or the Chief Constable, are subject to comparable standards.

- (J) Police officers, when carrying out their duties in accordance with the provisions of this Code, have the right to expect the full moral support of the general public and their elected representatives.

(Derived from: Article 16 of the Council of Europe Declaration of the Police)

- (K) Where the Code conflicts with an instruction, policy or guideline of the Police Service of Northern Ireland, officers must comply with the provisions of this Code.

- (L) Where this Code is being applied in any decision or hearing relating to misconduct, it shall be applied in a reasonable and objective manner. Due regard shall be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Police Officers behaviour, whether on or off duty, affects public confidence in the Police Service. Any conduct which brings or is likely to bring discredit to the Police Service should be the subject of sanction. Accordingly, any allegation of conduct which could, if proved, bring discredit or be likely to bring discredit to the Police Service should be investigated in order to establish whether or not a breach of the code has occurred.

(Sourced from: preamble to Sch. 4 of the RUC (conduct) Regulations 2000)

Paragraphs (A)-(L) above do not form part of the Code of Ethics.

A CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

ETHICAL STANDARDS REQUIRED OF POLICE OFFICERS

Article 1 Professional Duty

(1.1) Police officers have a duty according to section 32 of the Police Act (Northern Ireland) 2000:–

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences; and
- (d) where an offence has been committed, to take measures to bring the offender to justice.

When carrying out these duties police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights and other relevant international instruments.

(Sourced from: Section 32(1) Police (Northern Ireland) Act 2000;

Article 2 United Nations' Code of Conduct for Law Enforcement Officials; Article 1 European Code of Ethics)

(1.2) Police officers, shall so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

(Sourced from: Section 32(5) Police (Northern Ireland) Act 2000;

(1.3) Police officers shall carry out their duties in accordance with the declaration in section 38(1) of the Police (Northern Ireland) Act 2000. This states:–

“I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.”

(1.4) Police Officers shall not subject any person to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

(Sourced from: Article 5 United Nations' Universal Declaration of Human Rights; Article 3 European Convention of Human Rights;

Principle 6 United Nations' Body of Principles of the Protection of all persons under any form of Retention or Imprisonment.)

(1.5) The police service is a disciplined body. Unless there is good and sufficient cause to do otherwise police officers must obey all lawful orders and abide by the provisions of Police Regulations. They shall refrain from carrying out any orders they know, or ought to know, are unlawful. No disciplinary action shall be taken against a police officer who refuses to carry out an unlawful order.

(Sourced from: Council of Europe Declaration on the Police paragraph A(4) and A(7))

(1.6) Police officers shall not take any active part in politics.

(Sourced from: Sch. 2 RUC Regulations 1996)

(1.7) Police officers shall notify the Chief Constable of their membership of any organisation in accordance with the published guidance on notifiable membership.

(1.8) Police officers shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur unless such a report is shown to be malicious or ill founded.

(Sourced from: United Nations' Code of Conduct for Law Enforcement Officials, Article 8 – commentary (b))

(1.9) Police officers shall ensure that accurate records are kept of their duties as required by relevant codes of practice or the instructions of the Chief Constable. Police officers shall not knowingly or through neglect make any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes. They shall not without proper authority or through lack of care destroy, alter or mutilate any item, record or document, kept or made in connection with any police activity.

(1.10) Whether on or off duty, police officers shall not behave in a way which is likely to bring discredit upon the Police Service.

Article 2 Police Investigations

(2.1) Police officers shall treat all victims of crime and disorder with sensitivity and respect their dignity. Police officers shall consider any special needs, vulnerabilities and concerns victims may have. Subject to the rules governing confidentiality, a victim shall be updated on the progress of any relevant investigations in accordance with the instructions of the Chief Constable.

(The term victims includes the relatives of a deceased person where the circumstance of the death are being investigated by the police)

(2.2) Police investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime. They shall be conducted in an objective, fair and thorough manner in accordance with the law. Police officers shall follow the principle that everyone who is the subject of a criminal investigation shall be presumed innocent until found guilty by a court.

(2.3) Police officers shall take account of the special needs of witnesses and shall be guided by the Chief Constable's instructions for their protection and support, in particular, where intimidation of witnesses is a risk.

(Sourced from: Article 4 United Nations' Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; Article 1 United Nations' Code of Conduct for Law Enforcement Officials; Paragraphs 47, 48 and 51 of the European Code of Police Ethics.)

Article 3 Privacy and Confidentiality

(3.1) Police officers shall gather, retain and use information only in accordance with Article 8 of the European Convention on Human Rights. All other laws and instructions of the Chief Constable must be applied in a manner which is consistent with Article 8.

(Note:– Other legal provisions include Data Protection Act, Regulation of Investigatory Powers Act and the Freedom of Information Act.)

(3.2) Police officers shall exercise powers of search and surveillance only when it is lawful, necessary and proportionate to do so.

(3.3) Matters of a confidential nature, in the possession or control of police officers, shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

(Sourced from: Article 8 European Convention on Human Rights: Article 4 United Nations' Code of Conduct for Law Enforcement Officials.)

(3.4) Police officers shall not use matters of a confidential nature for personal benefit. They shall comply with guidelines covering contracts with the media.

Article 4 Use of Force

(4.1) Police officers, in carrying out their duties, shall, as far as possible, apply non-violent methods before resorting to the use of force or firearms. They may use force or firearms only if other means remain ineffective or without any realistic promise of achieving the intended result.

(Sourced from: Article 4 United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials)

(4.2) Police officers responsible for the planning and control of operations where the use of force is a possibility, shall so plan and control them to minimise, to the greatest extent possible, recourse to force and in particular potentially lethal force.

(Sourced from: European Court of Human Rights, McCann -v- UK (1995) 21 EHRR paragraph 194.)

(4.3) Whenever police officers resort to the lawful use of force or firearms they shall:

- (a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
- (b) minimise damage and injury, and respect and preserve human life;
- (c) ensure that assistance and medical aid, where possible, are secured to any injured person at the earliest possible opportunity;
- (d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible opportunity;
- (e) where force or firearms are used, report the incident promptly to their supervisors;

(f) comply with any instructions issued by the Chief Constable.

(Sourced from: United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Article 5(A)-(C), Article 6.)

(4.4) A police officer shall discharge a firearm only where the officer honestly believes it is absolutely necessary to do so in order to save life or prevent serious injury, unless the discharge is for training purposes or the destruction of animals.

(Sourced from: European Court of Human Rights, Andronicou and Constantinou -v- Cyprus (1997) 25 EHRR page 554; Article 9 United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials)

(4.5) Whenever police officers resort to the use of firearms, they shall identify themselves as such and shall give a clear warning of their intent to use firearms, with sufficient time for the warnings to be observed, unless to do so:

- (a) would unduly place any person at a risk of death or serious injury; or
- (b) would be clearly inappropriate or pointless in the circumstances of the incident.

(Sourced from: Article 10 of the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

(4.6) Police supervisors shall ensure that stress counselling is offered to police officers who have been involved in violent situations or who have discharged a firearm.

(Sourced from: Article 21 of the United Nations' Basic Principles on the use of force and firearms by Law Enforcement Officials.)

Article 5 Detained Persons

(5.1) Police officers shall ensure that all detained persons for whom they have responsibility are treated in a humane manner and with respect for the inherent dignity of the human person. Arrest and detention shall only be carried out in accordance with the provisions of Article 3, 5 and 6 of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.

(Sourced from: United Nations' Body of Principles for the Protection of all Persons under any form of Detention or Imprisonment, Principles 1 and 2; Reference to Codes of Practice refer to; Police and Criminal Evidence Act Codes of Practice C-E Terrorism Act Section 99 and Schedule 8.)

(5.2) In their dealings with persons in custody or detention, police officers shall only use force that is proportionate and necessary for the maintenance of security and order, where personal safety is threatened, for the preservation of evidence, or where the person in custody or detention does not consent to the taking of items or samples for criminal justice purposes as authorised by law.

(5.3) Police officers shall take every reasonable step to protect the health and safety of individuals who have been arrested or are in detention and shall take immediate action to secure medical aid for any such person.

(Sourced from: Article 6 United Nations' Code of Conduct for Law Enforcement Officials.)

Article 6 Equality

(6.1) Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public, groups from within the public and their colleagues. They shall give equal respect to all individuals and their traditions, beliefs and life styles provided that such are compatible with the rule of law.

(Sourced from: Section 38 Police (Northern Ireland) Act 2000.)

(6.2) In carrying out their duties police officers shall not discriminate on any of the following grounds, i.e. sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, property, birth or other status.

(Sourced from: Article 14 European Convention on Human Rights, Section 75 Northern Ireland Act 1998.)

Article 7 Integrity

(7.1) Police officers must act with integrity towards the public and their colleagues, so that confidence in the Police Service is secured and maintained. They shall avoid all forms of behaviour that may reasonably be perceived to be abuse, bullying, harassment or victimisation.

(7.2) Police officers shall, at all times, respect and obey the law and maintain the standards stated in this Code. They shall, to the best of their ability, support their colleagues in the execution of their lawful duties.

(7.3) Police officers shall at all times prevent and oppose any violation of this Code and shall report that a violation of the Code has occurred or is about to occur if they become aware of the fact.

(Sourced from: Article 8 United Nations' Code of Conduct for Law Enforcement Officials.)

(7.4) Police officers must report to the Chief Constable any proceedings for a criminal offence initiated against them.

(7.5) Police officers shall not commit any act of corruption or dishonesty. Indeed, they shall oppose and report all such acts coming to their attention, and shall be supported by their colleagues and their superiors on any occasions on which they do so.

(Sourced from: Article 7 United Nations' Code of Conduct for Law Enforcement Officials Developing)

Article 8 Property

(8.1) Police officers shall ensure that property, monies or equipment entrusted to them in their role as police officers are handled and maintained as required by law and the instructions of the Chief Constable.

(8.2) Police officers shall pay particular attention to ensure that any gift or gratuity they personally accept has been authorised by the Chief Constable's instructions

(Sourced from: HMI Thematic on Integrity.)

Article 9 Fitness for Duty

(9.1) Police officers shall be fit to carry out their responsibilities when on call, commencing duty or on duty. They shall not be unfit or impaired when on duty as a result of drinking alcohol, using a substance for non-medical purposes or intentionally misusing a prescription drug.

(Sourced from: New South Wales Code of Ethics – Alcohol)

(9.2) Police officers shall not consume alcohol without proper authority.

(9.3) Police officers shall attend work promptly when rostered for duty. Unless on duties that dictate otherwise, officers shall be clean and tidy when on duty in uniform or in plain clothes.

Article 10 Duties of Supervisors

(10.1) Supervisors shall be the primary promoters and positive agents of good conduct in relation to accepting and working within the spirit of the Code of Ethics. They shall be role models for delivering a truly professional, impartial and effective policing service. They shall ensure that the individuals for whom they are responsible are supported, given guidance on the professional performance of their duties and encouraged to further their professional development.

(Sourced from: New South Wales Code of Ethics – Responsibilities of Management.)

(10.2) Supervisors shall ensure that their staff correctly carry out their professional duties. They shall challenge and address any behaviour that is in violation of this Code, reporting such where appropriate.

(10.3) Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity by advice, remedial or other relevant and appropriate action.

(Sourced from: New South Wales Code of Conduct and Ethics; HMI Thematic on Integrity.)

Northern Ireland Office
12 February 2003

Paul Murphy
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations set out the amendments to the Royal Ulster Constabulary (Conduct) Regulations 2000 and the Royal Ulster Constabulary (Conduct) (Senior officer) Regulations 2000 necessary to introduce the Code of Ethics.

In addition provision is made to carry out amendments to the Royal Ulster Constabulary (Conduct) Regulations 2000, the Royal Ulster Constabulary (Conduct) (Senior officer) Regulations 2000, the Royal Ulster Constabulary (Unsatisfactory performance) Regulations 2000 and the Royal Ulster Constabulary (Appeals) Regulations 2000, in line with changes agreed with the Joint Committee on Statutory Instruments.

References to the Royal Ulster Constabulary should also be taken to mean the Police Service of Northern Ireland.

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£2.50

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N997. C4. 6/03. Gp. 130. 14567.

ISBN 0-337-95144-6

